

AN ORDINANCE 2006-06-29-0816

AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO COCA COLA'S LICENSE FOR VENDING MACHINE SERVICES, PROVIDING FOR A FIVE-YEAR EXTENSION OF THE CURRENT AGREEMENT WITH COMMISSION RATES OF THIRTY PERCENT FOR TWELVE OUNCE BOTTLES AND FORTY PERCENT FOR TWENTY OUNCE BOTTLES, AT THE PRICING PROVIDED IN THEIR BEST AND FINAL OFFER, WITH AN ANNUAL GUARANTEED PAYMENT OF \$50,000.00 AND AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH BOTTLING GROUP, L.L.C. D/B/A THE PEPSI BOTTLING GROUP TO PROVIDE CONCESSIONS SERVICES, INCLUDING POURING RIGHTS, AT CONVENTION FACILITIES AND MUNICIPAL GOLF COURSES BASED ON THEIR BEST AND FINAL OFFER.

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WHEREAS, in 2001, the City entered into a License Agreement for the provision of beverage vending services in various City-owned and City-leased facilities and currently the San Antonio Coca-Cola Bottling Company ("Coca-Cola") provides beverage vending services for approximately 140 machines; and

WHEREAS, due to the approaching expiration of the current agreement, a Request for Proposals ("RFP") was released resulting in responses from Coca-Cola and Bottling Group, L.L.C. ("Pepsi"); and

WHEREAS, an evaluation team was established, consisting of representatives from Asset Management, Convention Facilities, Office of Management & Budget, and Parks and Recreation, with representatives from the City Attorney's Office, Contract Services, Economic Development and Finance serving in an advisory capacity; and

WHEREAS, on May 1, 2006, the two beverage firms made presentations to the evaluation team, in addition to answering questions from team members, and after the presentations the proposals were scored based upon the criteria established in the RFP and Pepsi received the highest score; and

WHEREAS, at the June 29, 2006 City Council meeting, staff recommended that City Council award a License for beverage vending services and pouring rights to Pepsi; and

WHEREAS, at that meeting, Councilwoman Shelia McNeil made a motion to amend this Ordinance and authorize a License Agreement with Coca Cola for Vending Machine Services and a License Agreement with Pepsi for Concessions Services at Convention Facilities and Municipal Golf Courses and the Amended Ordinance was passed and approved; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The terms and conditions the First Amendment to Coca Cola's License for Vending Machine Services are authorized and approved.

SECTION 2. The City Manager, or a designee, is authorized to execute the First Amendment to Coca Cola's License for Vending Machine Services. A copy of said First Amendment shall be attached to this Ordinance upon final execution.

SECTION 3. The terms and conditions of Pepsi's License for Concessions Beverage Services are authorized and approved.

SECTION 4. The City Manager, or a designee, is authorized to execute Pepsi's License for Concessions Beverage Services. A copy of said License shall be attached to this Ordinance upon final execution.

SECTION 5. Funds generated by this Ordinance shall be deposited using the table listed below:

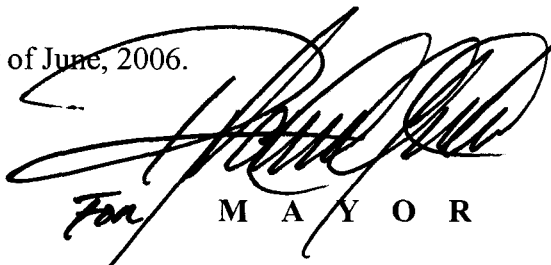
| Fund | Fund Name | Order | IO Text | Account | Account Name |
|-------------|------------------|--------------|-------------------------|----------------|---------------------|
| 11001000 | GENERAL FUND | 224000000020 | Vending Machine | | Commission from |
| | HOTEL MOTEL | | Commission-General Fund | 4401880 | Contracts - Vending |
| 29006000 | TAX FUND | 224000000021 | VENDING MACHINES - | | Commission from |
| | HOT / | | CONV FAC | 4401880 | Contracts - Vending |
| 29016000 | ALAMODOME | 224000000022 | VENDING MACHINES - | | Commission from |
| | GOLF COURSE OP | | ALAMODOME | 4401880 | Contracts - Vending |
| 29090000 | MAINT | 224000000025 | VENDING MACHINES - | | Commission from |
| | | | GOLF | 4401880 | Contracts - Vending |
| 55001000 | SOLID WASTE OPS | 224000000023 | VENDING MACHINES - | | Commission from |
| | PARKING | | ENVIRON | 4401880 | Contracts - Vending |
| 53004000 | REVENUE FUND | 224000000024 | VENDING MACHINES - | | Commission from |
| | BUILDING | | PARKING | 4401880 | Contracts - Vending |
| 76001000 | MAINTENANCE | 224000000004 | VENDING MACHINES - | | Commission from |
| | | | FAC SVCS | 4809210 | Contracts - Vending |

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

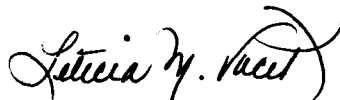
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SECTION 7. This Ordinance shall be effective immediately upon the passage of eight (8) affirmative votes. If it is not passed by (8) affirmative votes, this Ordinance shall be effective on and after the tenth day after passage.

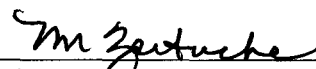
PASSED AND APPROVED this 29th day of June, 2006.


For M A Y O R

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney